

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. 2

2009 JUL -6 PM 3: 03
REGIONAL HEARING
CLERK

In the Matter of:

MUNICIPALITY OF CAYEY
P. O. Box 371330
Cayey, Puerto Rico 00737-1330

RESPONDENT

Proceeding pursuant to Section 309(g)(2)(B) of
the Clean Water Act, 33 U.S.C. § 1319(g)

**PROCEEDING TO ASSESS A
CLASS II CIVIL PENALTY**

**DOCKET NUMBER
CWA-02-2009-3454**

STATUS REPORT

To the Honorable Court:

COMES NOW the Complainant to the instant action and very respectfully avers
and prays as follows:

1. The Complainant to this action was directed to engage in one or more settlement conferences on or before June 30, 2009 and attempt to reach an amicable resolution to this matter.
2. On such date, the undersigned held a telephone conference with Ms. Nancy Soto, who appeared on behalf of Respondent in response to Administrative Compliance Order (ACO), Docket Number CWA-02-2008-3116, dated February 16, 2008. The ACO stems from the same factual basis as the Penalty Order before this Court.
3. During this conference call, the undersigned advised Attorney Soto that in order to reach an amicable resolution to this matter, pursuant to EPA's policies, Respondent is required to be in compliance with the ACO's requirement of submitting a complete and accurate Notice of Intent (NOI) form to EPA.

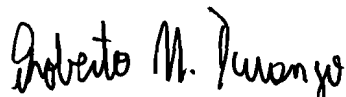
4. During this conference call, and communications held thereafter, Attorney Soto advised the undersigned that Respondent intends to submit a NOI form on or before July 6, 2009. In addition, Attorney Soto advised the undersigned that Respondent would seek an extension to file an Amended Answer to the Complaint, to which Complainant would not object, should this Honorable Court decide to grant such extension.

5. As soon as Respondent submits the NOI form, the undersigned will propose a meeting to further explore settlement options that were brought to Attorney Soto's attention during the conference call.

6. Complainant was granted until July 6, 2009 to file a status report regarding such settlement conference(s).

WHEREFORE it is respectfully requested that the Court take notice of the status of the instant case.

Respectfully submitted in San Juan, Puerto Rico, on this 2nd day of July, 2009.



Roberto M. Durango, Esq.
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Caribbean Team
Office of Regional Counsel
U.S. Environmental Protection Agency,
Region 2
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Status Report was sent in the following manner to the addresses listed below:

Copy by Overnight and
Facsimile:

Susan L. Biro
Chief Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Ave., NW
Washington, D.C. 20460-2001

Original and
Copy by Overnight:

Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency,
Region II
290 Broadway, 17th Floor
New York, NY 10007-1866

Copy by facsimile and
regular mail:

Nancy Soto Lleras, Esq.
Legal Division Director
Municipality of Cayey
P. O. Box 371330
Cayey, Puerto Rico 00737-1330